

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

REFUGIO CARRILLO,

Plaintiff,

v.

HOPE L. SWANN, et al.,

Defendants.

No. 1:20-cv-00783-NONE-BAM

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DISMISS  
ACTION AS DUPLICATIVE

(Doc. Nos. 1, 4)

Plaintiff Refugio Carrillo ("Plaintiff"), proceeding pro se and in forma pauperis, filed this civil action on June 5, 2020. (Doc. No. 1).

On June 29, 2020, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed as duplicative of *Carrillo v. Department of Justice, et al.*, No. 1:20-cv-00762-AWI-SAB. (Doc. No. 4.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen days. (*Id.* at p. 4.) Plaintiff filed timely objections and a proposed amended complaint on July 13, 2020. (Doc. No. 5.)

Plaintiff's objections do not call into question the magistrate judge's conclusion that this action is duplicative of *Carrillo v. Department of Justice, et al.*, No. 1:20-cv-00762-AWI-SAB. Instead, plaintiff objects only because he was not granted leave to amend his complaint and, in

1 conjunction with his objection, has submitted a proposed amended complaint. A review of the  
2 proposed amended complaint likewise does not call into question the magistrate judge's  
3 conclusion and recommendation that this action should be dismissed as duplicative of *Carrillo v.*  
4 *Department of Justice, et al.*, No. 1:20-cv-00762-AWI-SAB. The proposed amended complaint  
5 names the same defendants, asserts the same claims for violation of due process, the Ninth  
6 Amendment and Fourteenth Amendment, and includes attachments alleging the same conduct as  
7 the earlier filed action.

8 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
9 de novo review of this case. Having carefully reviewed the entire file, including plaintiff's  
10 objections, the court finds the findings and recommendations to be supported by the record and  
11 by proper analysis.

12 Accordingly, IT IS HEREBY ORDERED:

- 13 1. The findings and recommendations issued on June 29, 2020 (Doc. No. 4) are  
14 ADOPTED IN FULL;
- 15 2. This action is dismissed as duplicative of *Carrillo v. Department of Justice, et al.*,  
16 No. 1:20-cv-00762-AWI-SAB; and
- 17 3. The Clerk of the Court is directed to assign a district judge to this matter for the  
18 purposes of closure and then to close this case.

19 IT IS SO ORDERED.

20 Dated: **August 31, 2020**

21   
22 \_\_\_\_\_  
23 UNITED STATES DISTRICT JUDGE  
24  
25  
26  
27  
28